

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PEDIPIED INFANT FOOTWEAR LLC,

Plaintiff,

v.

KUDOS LEATHERGOODS LTD d/b/a
JACK AND LILY and ROBERT THOMAS
BUELL, Individually,

Defendants.

CASE NO. 08 CIV 3572 (LTS)

DECLARATION OF DAVID TAYLOR

I, David Taylor, declare as follows:

1. I am the owner of Lad Shoes, Incorporated, d/b/a Taylor Shoes, located at 4845 West 117 Street in Leawood, Kansas. Taylor Shoes was founded in 1967 and owned by my father until 1985, when I assumed ownership. I have personal knowledge of the matters stated herein and, if called as a witness, I could and would competently testify to the following matters:

2. Taylor Shoes is a full-price retail store that sells an extensive collection of children's and adult shoes, among other products. We also sell our products online at <babyshoesource.com> and <taylorshoes.com>.

3. Our business has been primarily focused on the sale of shoes, with an emphasis on the children's market for the last year and a half.

4. We carry several different brands of children's shoes, including pediped, Crocs, Robeez and Keen. The brands of soft-soled children's shoes we carry are pediped and Robeez. We have been selling pediped soft-soled shoes for approximately the last year and a half.

5. Pediped soft-soled shoes are very distinctive. All of pediped's shoes in this line have that whip-stitch, which is unique to the industry. It's like a trademark of pediped. Pediped's shoes also have a unique style, which is different from the other brands in the industry.

6. My customers can distinguish pediped shoes among the other brands I carry because of this whip-stitch, and they tell me that pediped shoes have a unique style and are very good shoes in terms of quality. I often sell to customers who have purchased pediped's shoes before.

7. I do not carry Jack and Lily shoes, but I have seen their soft-soled My Shoes online. Jack and Lily's My Shoes are knock-offs of pediped's soft-soled shoes. They look just like pediped's shoes.

8. I have seen the impact of knock-off brands in the industry and I am concerned about the impact that Jack and Lily's shoes will have on my business and the industry.

9. For example, I sell the brand Crocs, which has been knocked off by several manufacturers. I saw that over time, Crocs became known as a style of shoe, not a brand. Customers can buy the same style at discount stores (such as Walmart) for a lower price, but the quality is not the same. This has affected my business and the Crocs brand.

10. I fear that the knock-offs that Jack and Lily sell will have a similar impact on pediped and my business.

I declare under penalty of perjury that the foregoing is true and correct.

Date: 5-30-08

By: David Taylor